

U.S. Department of Labor

Office of Administrative Law Judges
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Issue Date: 10 December 2008

OALJ Case No.: 2009-TLC-00015

ETA Case No.: C-08310-15350

In the Matter of

**MONTANA EQUINE ASSOCIATES d/b/a MONTANA EQUINE MEDICAL &
SURGICAL CENTER,**

Employer

Certifying Officer: Robert E. Myers
Chicago Processing Center

ORDER OF DISMISSAL

This matter arises under the temporary agricultural labor or services provision of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(15)(H)(ii)(a), and the implementing regulations at 20 C.F.R. Part 655, Subpart B. On November 25, 2008, Montana Equine Associates d/b/a Montana Equine Medical & Surgical Center (“Employer”) requested expedited administrative review of the Certifying Officer’s November 19, 2008, decision not to accept for consideration its application for temporary alien labor certification. *See* 20 C.F.R. §§ 655.104(c), 655.112(a).¹ A brief accompanied the Employer’s request for review. On the evening of December 4, 2008, the Office of Administrative Law Judges received the administrative file from the United States Department of Labor’s Employment and Training Administration. On December 5, 2008, I issued an *Order Setting Briefing Schedule* permitting the parties to file supplemental or reply briefs no later than 4:30 pm EST on Monday, December 8, 2008. The order also required that the parties discuss resolving the matter and provide a status report at the time either filed any additional briefs.

On December 8, 2008, the Certifying Officer filed a letter explaining that he has agreed to accept for consideration a modified version of the Employer’s application. This agreement obviates the need for further proceedings before this office. Accordingly, it is **ORDERED** that the Employer’s request for expedited administrative review is **DISMISSED** as moot.

A

JOHN M. VITTON

Chief Administrative Law Judge

¹ The Employer’s filing was actually titled, “Request for Administrative Judicial Review or In the Alternative Request for De Novo Hearing And Memorandum of Fact and Law.” I granted the Employer’s initial request for expedited administrative review.